

**UNITED STATES DISTRICT COURT**  
for the  
**Southern District of New York**

JUDITH SMITH, derivatively on behalf of 50 East	)
69th Street Corporation, DAVID EZEKIEL	)
FAIRBANK, derivatively on behalf of 50 East 69th	)
Street Corporation, et al.	)
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Plaintiff(s)	)
v.	)
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JAMES W. SMITH, III, and NANCY K. SMITH, and	)
nominal defendant 50 EAST 69TH STREET	)
CORPORATION	)
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Defendant(s)	)

Civil Action No. 1:17-cv-06648

**SUMMONS IN A CIVIL ACTION**

To: (Defendant's name and address) JAMES W. SMITH, III  
10111 Bentcross Drive  
Potomac, Maryland 20854

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Law Offices of Anthony S. Cannatella  
53 Orchard Street  
Manhasset, New York 11030

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 8/31/2017



CLERK OF COURT

/s/ K.Lopez

Signature of Clerk or Deputy Clerk

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**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*This summons for (*name of individual and title, if any*) James W. Smith, IIIwas received by me on (*date*) \_\_\_\_\_. I personally served the summons on the individual at (*place*) \_\_\_\_\_on (*date*) \_\_\_\_\_; or I left the summons at the individual's residence or usual place of abode with (*name*) \_\_\_\_\_

, a person of suitable age and discretion who resides there,

on (*date*) \_\_\_\_\_, and mailed a copy to the individual's last known address; or I served the summons on (*name of individual*) \_\_\_\_\_, who isdesignated by law to accept service of process on behalf of (*name of organization*) \_\_\_\_\_on (*date*) \_\_\_\_\_; or I returned the summons unexecuted because \_\_\_\_\_; or Other (*specify*): \_\_\_\_\_My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature**Printed name and title**Server's address*

Additional information regarding attempted service, etc: